

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:10-HC-2043-BO

SAMUEL D. APPLEWHITE, )  
Petitioner, )  
 )  
v. ) ORDER  
 )  
TRAVIS OUTLAW, )  
Respondent. )

On June 22, 2011, the court granted respondent's motion to dismiss and denied the certificate of appealability (D.E. # 8 and 9). Thereafter on August 8, 2011, petitioner filed a notice of appeal (D.E. # 10) and motion for certificate of appealability (D.E. #11). For the reasons stated in the order of June 22, 2011, the motion was properly denied, the certificate of appealability has been ruled upon, and this motion is DENIED as MOOT (D.E # 11).

SO ORDERED, this 9 day of November 2011.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE